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In re Application of MONSALVATJE LLAGOSTERA,
Montserrat, et al.

U.S. Application No.: 09/424,673

PCT No.: PCT/ES98/00145

International Filing Date: 25 May 1998

Priority Date: 29 May 1997

Attorney's Docket No.: U 012500-4

For: PROCESS FOR OBTAINING QUINAPRIL
HYDROCHLORIDE AND SOLVATES USEFUL FOR
ISOLATING AND PURIFYING QUINAPRIL
HYDROCHLORIDE

DECISION ON
RENEWED
PETITION UNDER
37 CFR 1.47(a)

In a decision mailed on 15 August 2000, this Office dismissed applicant's original petition under 37 CFR 1.47(a) for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had failed to provide: (1) an express statement of the last known address of the nonsigning inventor; and (2) proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

On 11 December 2000, applicants filed the "Response To Decision Of August 15, 2000" considered herein. This Response was accompanied by a request for a two month extension of time and a check in the amount of \$380 as the fee for the requested extension. Deposit Account No. 12-0425 has been charged \$10 to bring the payment for this extension to the required total of \$390. Based on this extension, the present Response is considered timely.

1. Last Known Address:

The present Response includes a separate page entitled "Last Known Address Of The Nonsigning Inventor" expressly identifying the last known address of the nonsigning inventor, Salvador PUIT TORRES, as Avenida Mare de Deu de Montserrat 12, 08024, Barcelona, Spain. Applicants have now therefore satisfied this requirement.

2. Factual Proof Of Refusal To Sign

Applicants have submitted a statement by Sonia Vilella Arque as evidence of the nonsigning inventor's refusal to execute the application. However, it is not clear from this statement whether the nonsigning inventor has been provided with a copy of the complete application papers (specification, including claims, drawings, and oath or declaration), as

required before a refusal to execute can be asserted. The statement states that the nonsigning inventor was delivered "a copy of the application and its Declaration." However, the exhibits to the statement (the cover letters used) refer only to the enclosure of assignment materials. It is therefore unclear whether the full application, as required, was delivered to the nonsigning inventor. In addition, the signature page is separate from the text of the statement, is on a different color paper, and does not clearly identify the signing party. As such, it is not clear that this signature is executing this specific statement.

Applicant must provide acceptable evidence which makes clear that a copy of the full application papers have been delivered to the nonsigning inventor and that he has refused to execute the application. If the evidence is in the form of a statement of facts, such statement must be properly executed in affidavit or declaration form.

Because applicants have failed to provide the required factual evidence of the nonsigning inventor's refusal to execute the application, the renewed petition under 37 CFR 1.47(a) is dismissed.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Failure to file a timely and proper response will result in abandonment.

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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